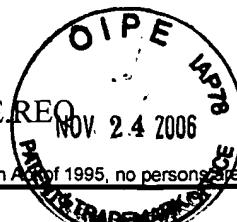


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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

02CR305/KE

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on 11/21/2006Signature Sheila K. MathewsTyped or printed name Sheila K. Mathews

Application Number

10/664,214

Filed

September 17, 2003

First Named Inventor

Vincent P Marzen

Art Unit

2629

Examiner

K. Nguyen

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

 applicant/inventor. assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

 attorney or agent of record.Registration number 34155


Signature

Kyle Eppele

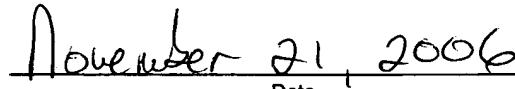
Typed or printed name

(319) 295-8280

Telephone number

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Registration number if acting under 37 CFR 1.34 _____



Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF) GROUP ART UNIT: 2629
Vincent P. Marzen) EXAMINER: K. Nguyen
SERIAL NO: 10/664,214) DOCKET REF.: 02CR305/KE
FILED: September 17, 2003) SUBMITTED: November 21, 2006

FOR: METHOD AND APPARATUS FOR DATA ENTRY FOR A LIQUID CRYSTAL DISPLAY

REMARKS:

The Examiner misses the point of the present invention which detects the point of origin of a shockwave occurring by a touch on an LCD panel.

Claim 11 makes it clear that the Examiner is ignoring the limitation that the shockwave being detected is generated by the touch on the LCD panel. Claim 11 includes a limitation of

“tapping a first location on the viewing area and
..generating a shockwave as a result of such tapping;”

and further includes a limitation of

“locating said first location in response to said step of determining a time of arrival of said shockwave.”

i.e., you generate the shockwave by tapping, and you determine the time of arrival of the SAME shockwave to accomplish the desired goal of location of the point of tapping.

In paragraph 8 on lines 4-6 of page 5 of the final office action, the Examiner appears to say that “touching a cross point on the surface of a non-piezoelectric plate 1, fig 3” somehow generates **THE SHOCKWAVE**.

The Examiner then goes on to incorrectly conclude that “shockwaves are equivalent to acoustic waves,” and, therefore, the acoustic waves generated by the transmitters Tx1 to Tx5 on the periphery **are the same waves** as the shockwave generated on the viewing area as a result of the tapping.

This ignoring of the claim limitation as to the point of origin of the shockwave is clear error.

An even more flagrant error or omission occurs with respect to Claim 2.

Claim 2 makes clear that the present invention does NOT have a periphery of the LCD panel which has transmitter and receiver pairs disposed thereon. In paragraph 4 of the final office action, the Examiner states:

4. As to claim 2, Toda teaches wherein said periphery is free from a plurality of pairs of opposing transmitters and receivers disposed about said periphery where said plurality of pairs of opposing transmitters and receivers are configured to detect a presence of an object disposed on the viewing area and between said transmitters and said receivers [the plurality of acoustic wave transmitters Tx1 to Tx5, Ty1 to Ty5, and acoustic wave receivers Gx1 to Gx5, Gy1 to Gy5 are arranged surrounding the four edges of the touch panel, Figs. 1 and 4, col. 4, lines 35-54, col. 2, line 66 through col. 3, line 1 and col. 4, lines 16-19];

This simply makes no sense. This does not explain how Toda's periphery is FREE from a plurality of transmitter receiver pairs. It seems to do just the opposite -- confirm that Toda does in fact have such transmitter receiver pairs.

The Examiner consistently ignores claim language and/or misunderstands the gist of the invention.

In Claim 1, the Examiner ignores the last limitation of "... determine a point of origin of the shockwave in the liquid crystal panel **which results from a touch occurring at the point of origin.**"

In Claim 17, the Examiner again ignores the last limitation to "...detection of a shockwave **generated at said point of tactile stimulation.**"

This equating of blocking, by touching on the viewing surface, of a wave generated at the periphery with the present invention's notion of detection of a shockwave generated at the point of tactile stimulation, is clear error, and it clearly ignores the claim language, and it clearly ignores the teaching in Toda

that the SAW **disappears** by touching the cross point. See Toda, column 6, lines 39-45.

Detecting the disappearance of a periphery generated wave is not the same as determining the existence of and the point of origin of a wave created by the touch occurring at the point of tactile stimulation.

The Applicants believe that requiring them to undergo the expense of preparing an appeal brief under these circumstances would be unjust and, therefore, request the Review Board to direct the Examiner to allow this application without further delay.